

REMARKS

By this Amendment, Applicant cancels claims 2 and 8 without prejudice or disclaimer.

Therefore, claims 1, 3-7, and 9-17 are all the claims pending in the application.

Applicant thanks the Examiner for indicating that claims 12-15 are allowed and that claims 2-5 and 8-11 are indicated as containing allowable subject matter.

Claims 16 and 17 remain rejected under 35 U.S.C. § 101. Also, claims 1, 6, 7 and 16 remain rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Borella et al. (U.S. Patent No. 7,218,609).

§ 101 Rejections – Claims 16 and 17

The Examiner maintains the rejection of claims 16 and 17 under 35 U.S.C. § 101 based on the reasons set forth on page 2 of the Office Action. The Examiner previously indicated that amending claims 16 and 17, as amended in the Amendment dated January 21, 2009, would overcome the rejection under 35 U.S.C. § 101. However, the Examiner has maintained this rejection as indicated in the current Office Action.

Accordingly, to overcome this rejection, Applicant amends the specification to remove the sentence, “The present invention can also be realized as carrier waves (for example, transmitted through Internet),” as indicated herein. Applicant, therefore, submits that claims 16 and 17 comply with 35 U.S.C. § 101 and requests the Examiner to withdraw the rejection.

§ 102(e) Rejections (Borella) – Claims 1, 6, 7, and 16

Claims 1, 6, 7, and 16 are rejected over Borella based on the reasons set forth on pages 3-4 of the Office Action.

Applicant amends independent claim 1 to incorporate the allowable subject matter of claim 2 and amends independent claims 7 and 16 to incorporate the allowable subject matter of claim 8. In view of the Amendments, Applicant respectfully submits that independent claims 1, 7 and 16 are allowable.

Claim 6, which depends from claim 1, is allowable at least by virtue of its dependency.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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